

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: Graeme John PROUDLER, *et al.*

) On Appeal to the Board of Patent
) Appeals and Interferences

Application No.: 09/728,827

) Group Art Unit: 2136

Filed: November 28, 2000

) Examiner: David Garcia Cervetti

For: "OPERATION OF TRUSTED STATE
IN COMPUTING PLATFORM"

) Date: March 21, 2007
)



APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from the final office action mailed on October 11, 2006 for the above identified patent application. The notice of appeal was timely filed on January 24, 2007. This appeal brief is timely. Please charge deposit account 08-2025 for the appeal brief fee (\$500). A second copy of this page is enclosed for charging purposes.

REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of the Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any other prior and pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal, other than the appeal filed in this application by a notice mailed on January 24, 2006.

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STATUS OF CLAIMS

Claims 1-17 and 23-26 are currently pending. Claims 18-22 were cancelled and claims 23-26 were added in the amendment mailed on January 23, 2006. Claims 1-17 and 23-26 are the subject of this appeal and are reproduced in the accompanying claims appendix.

STATUS OF AMENDMENTS

No amendment after final rejection has been entered. In the final office action, the Examiner requested the Appellants to re-submit NPL documents and foreign documents listed in the information disclosure statements filed on March 18, 2003 and December 15, 2003 and were apparently lost by the Office. The Appellants will supply these references as a courtesy to the Office. Despite the lost references, the Examiner included a four paragraph statement in the final office action (at pages 5 and 6) referring to the "large number of references submitted" and suggesting the "burying" of pertinent references within "other disclosures of less relevant prior art." The appellants respectfully reject this unfounded allegation. The Office is respectfully reminded that applicants may have to provide a non-trivial number of references in accordance with a duty of disclosure that is ultimately defined *not* by the Office's standard of materiality as set forth in 37 C.F.R. § 1.56(b) but by the standard set by the Court of Appeals for the Federal Circuit: "information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent." *Cargill, Inc. v. Canba Foods, Ltd.*, 476 F.3d 1359, 1364, 81 U.S.P.Q. 2d 1705 (Fed. Cir. 2007). Furthermore, the Court of Appeals for the Federal Circuit recently reminded applicants about its "policy that 'applicants [should] continue to submit information for consideration by the Office in applications rather than making and relying on their own determinations of materiality.'" *Id.* at 1367 (quoting *Critikon, Inc. v. Becton Dickinson Vascular Access, Inc.*, 120 F.3d 1253, 1257, 43 U.S.P.Q. 2d 1666 (Fed. Cir. 1997), *cert. denied*, 523 U.S. 1071 (1998)).

SUMMARY OF CLAIMED SUBJECT MATTER

The invention described and claimed in the present application relates to computers and particularly, although not exclusively, to a computing entity which can be placed in a trusted state, and a method of operating the computing entity to achieve the

trusted state, and operation of the computing entity when in the trusted state. Specification at page 1, lines 4-7.

"trust"

The specification describes the need for trust between interacting computer platforms in order to facilitate data transactions such as market transactions over the Internet. *Id.* at page 1, line 29 to page 2, line 6. The specification describes the inadequacy of prior art solutions such as "smart cards" and security features embedded in operating software. *Id.* at page 2, line 8 to page 4, line 11. Accordingly, an object of the present invention is to provide a computing entity in which a third party user can have a high degree of confidence that the computing entity has not been corrupted by an external influence and is operating in a known and predictable manner. *Id.* at page 4, lines 14-17.

"States"

In general, a computing entity is capable of residing in a plurality of distinct operating states. Each operating state can be distinguished from other operating states using a set of integrity metrics designed to distinguish between those states. *Id.* at page 4, lines 23-26. A "state" is

a mode of operation of the computing entity in which a plurality of functions provided by the computing platform may be carried out. For example, in a first state, the computing entity may operate under control of a first operating system, and have access to a first set of application programs, a first set of files, and a first set of communication capabilities, for example modems, disk drives, local area network cards, e.g. Ethernet cards.

Id. at page 24, lines 23-29. The computing entity may have numerous states and the states can have overlap between the facilities available between two different states. *Id.* at page 24, line 29 to page 25, line 4. For example, "a first and second state may use a same operating system, whereas a third state may use a different operating system." *Id.* at page 25, lines 4-6.

Claimed invention

The independent claims involved in this appeal are claims 1, 6, and 25.

**Independent claim 1**

With reference to Figures 2-4 of the instant application, reproduced below:

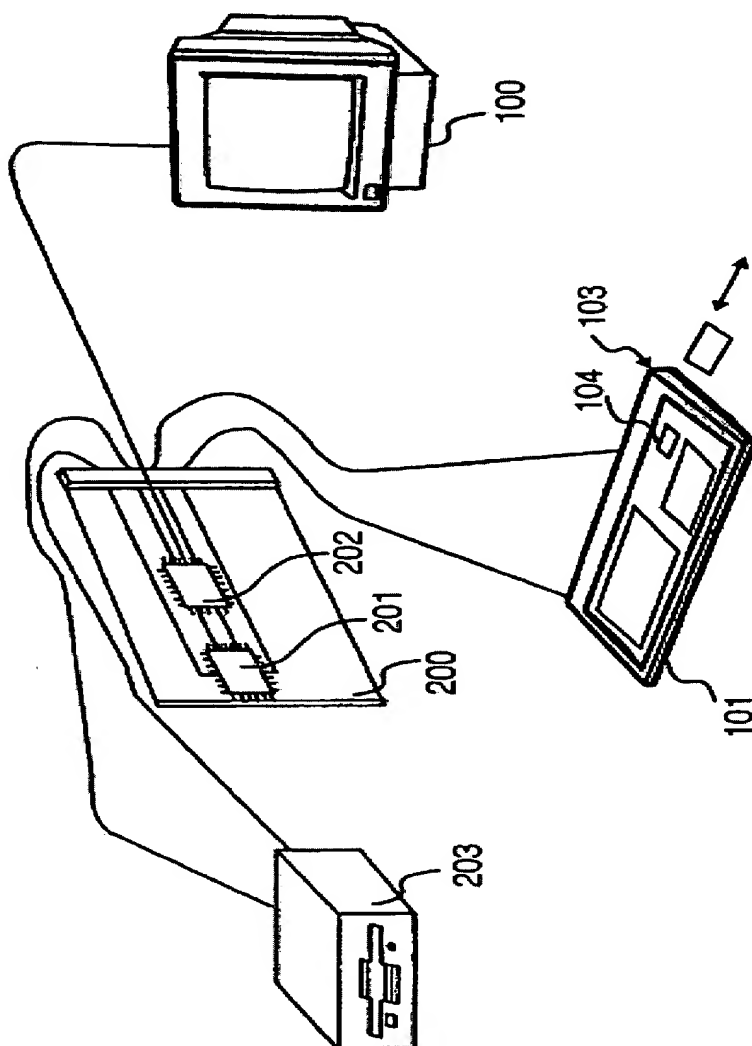


Fig. 2

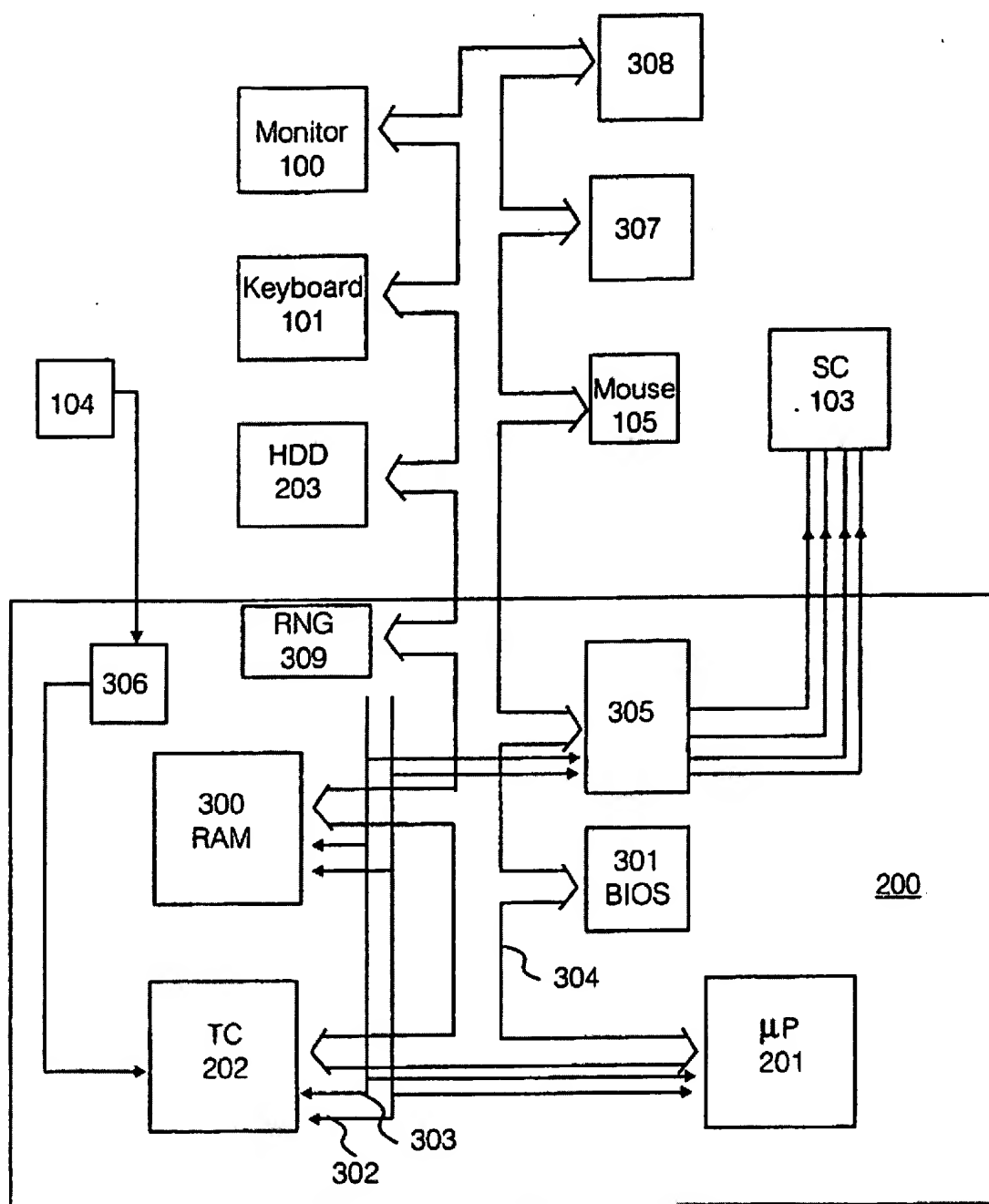


Fig. 3

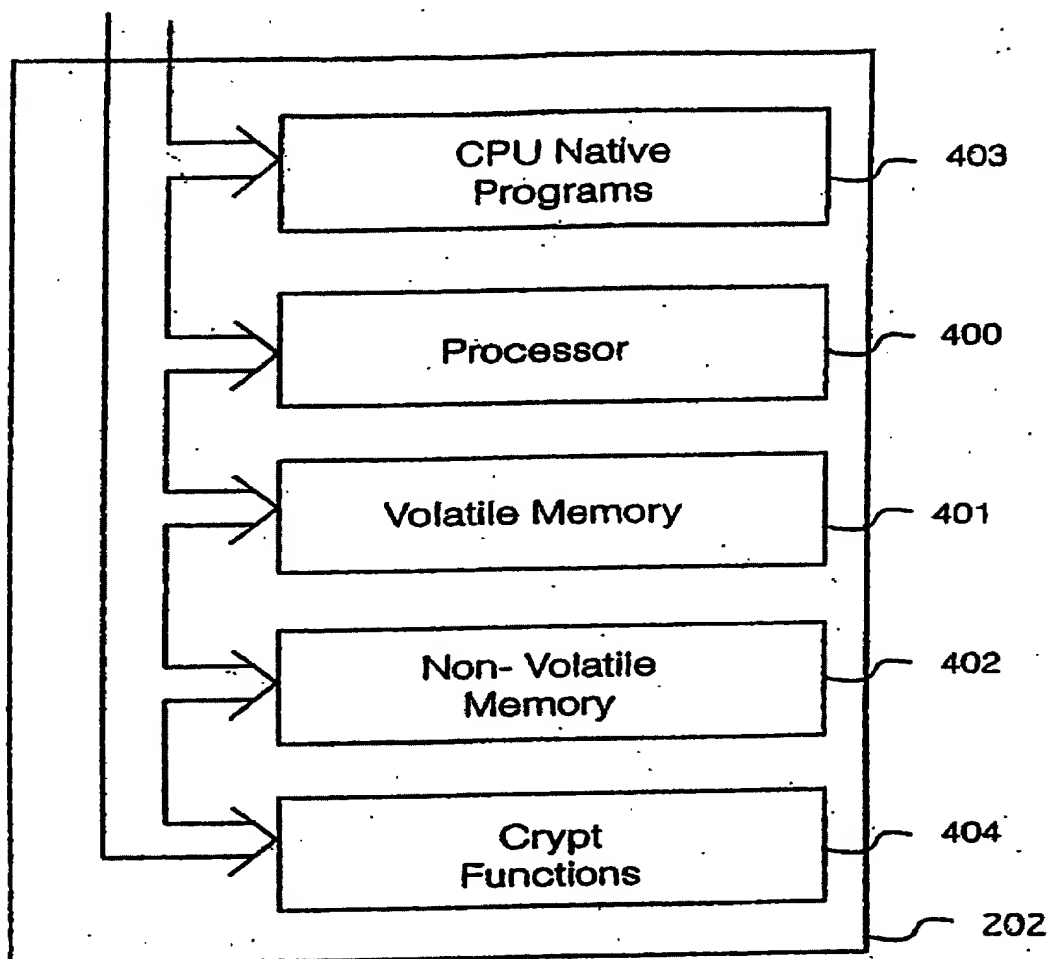


Fig. 4

claim 1 provides:

a computing entity comprising:

a computer platform comprising a plurality of physical and logical resources including a first data processor (201) and a first memory (300,

203);

a monitoring component (202) comprising a second data processor (400) and a second memory (401, 402);

wherein, said computer platform is capable of operating in a plurality of different states, each said state utilising a corresponding respective set of individual ones of said physical and logical resources;

wherein said monitoring component (202) operates to determine which of said plurality of states is the current operating state of said computer platform.

Independent Claim 6

With reference to Figures 2-4 of the instant application, reproduced above, and Figure 9, reproduced below:

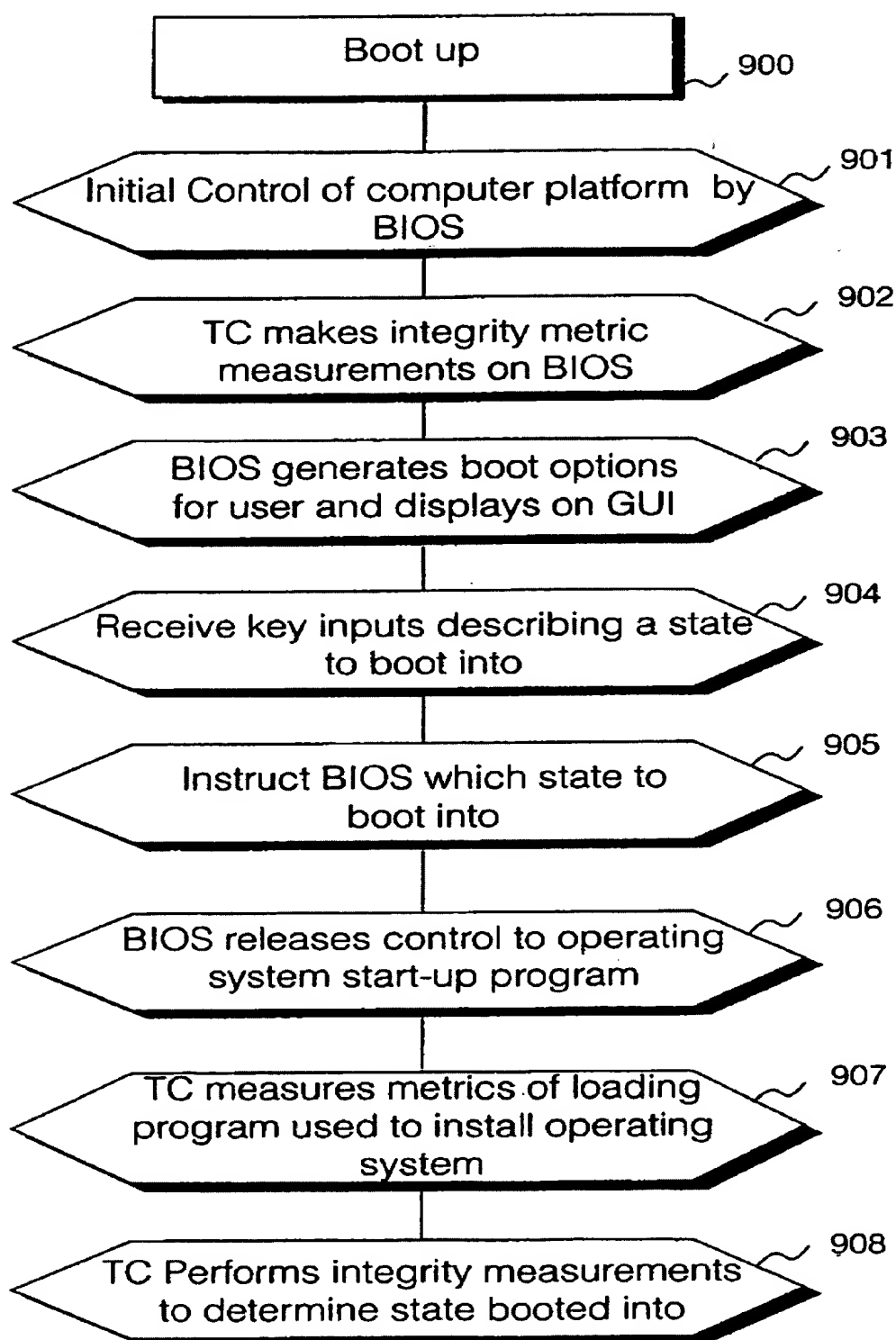


Fig. 9

claim 6 provides:

a method of activation a computing entity comprising a computer platform having a first data processor (201) and a first memory (300, 203) and a monitoring component (202) having a second data processor (400) and a second memory (401, 402), into an operational state of a plurality of pre-configured operational states into which said computer platform can be activated, said method comprising the steps of:

- selecting (905) a state of said plurality of pre-configured operational states to activate for said computer platform;

- activating (906) said selected state for said computer platform according to a set of stored instructions;

- wherein said monitoring component monitors (908) activation of said selected state by recording data describing which of said plurality of pre-configured states is activated.

Independent Claim 25

With reference to Figures 2-4 and 9 of the instant application, reproduced above, claim 25 provides:

a method of storing data at a computing entity comprising a computer platform having a first data processor (201) and a first memory (300, 203) and a monitoring component (202) having a second data processor (400) and a second memory (401, 402), said method comprising the steps of:

- initiating a session on the computing platform;

- the monitoring component (202) recording state data describing a current operational state of the computing platform;

- generating data in the session; and

- storing the generated data with reference to the state data so that the generated data may be recovered in a future session of the computing platform in the same operational state.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Issue 1: Whether Claims 6, 8, 10, 11, 13, 23, and 24 are patentable under 35 U.S.C. § 102(e) in view of U.S. Patent 6,727,920 to Vineyard, Jr., *et al.* ("Vineyard")?

Issue 2: Whether Claims 1-4, 7, and 17 are patentable under 35 U.S.C. § 103(a) over Vineyard, and further in view of U.S. Patent 6,560,726 to Vrhel, Jr., *et al.* ("Vrhel")?

Issue 3: Whether Claim 5 is patentable under 35 U.S.C. § 103(a) over Vineyard and Vrhel, and further in view of U.S. Patent 6,735,696 to Hannah ("Hannah")?

Issue 4: Whether Claim 9 is patentable under 35 U.S.C. § 103(a) over Vineyard?

Issue 5: Whether Claim 12 is patentable under 35 U.S.C. § 103(a) over Vineyard and Vrhel, and further in view of U.S. Patent 6,353,885 to Herzi, *et al.* ("Herzi")?

Issue 6: Whether Claim 14 and 15 are patentable under 35 U.S.C. § 103(a) over Vineyard, and further in view of Hannah?

Issue 7: Whether Claim 16 is patentable under 35 U.S.C. § 103(a) over Vineyard, and further in view of Hanna and U.S. Patent 6,148,387 to Galasso, *et al.* ("Galasso")?

Issue 8: Whether Claims 25 and 26 are patentable under 35 U.S.C. § 103(a) over U.S. Patent 6,330,669 to McKeeth ("McKeeth")?

Issue 9: Whether Claim 25 is patentable under 35 U.S.C. § 103(a) over McKeeth and further in view of Hannah?

ARGUMENT**I. The Rejection of Claims 6, 8, 10, 11, 13, 23, and 24 under 35 U.S.C. § 102(e) Should Be Reversed and Withdrawn**

The Examiner rejected claims 6, 8, 10, 11, 13, 23, and 24 under 35 U.S.C. § 102(e) as being anticipated by Vineyard. This rejection should be reversed and withdrawn because Vineyard does not teach or suggest the claimed subject matter.

Claim 6

Claim 6 is an independent claim and claims 8, 10, 11, 13, 23, and 24 each depend directly or indirectly from claim 6.

Claim 6 is directed to:

[a] method of activating a computing entity comprising a computer platform having a first data processor and a first memory and a monitoring component having a second data processor and a second memory, into an operational state of a plurality of pre-configured operational states into which said computer platform can be activated, said method comprising the steps of:

selecting a state of said plurality of pre-configured operational states to activate for said computer platform;

activating said selected state for said computer platform according to a set of stored instructions;

wherein said monitoring component monitors activation of said selected state by recording data describing which of said plurality of pre-configured states is activated.

Vineyard teaches providing methods and systems for specifying an operating system of choice during a current computing session such that, upon reboot, a computer will boot up into the specified operating system. Vineyard at col. 3, lines 12-15. Vineyard teaches the selection of an operating system, but not the measurement of an operating system by a monitoring component to determine whether a pre-configured state has been activated.

The Examiner states that all of these limitations are taught in Vineyard. This has not been shown to be the case.

For example, the Examiner states that “a computing entity comprising a computer platform having a first data processor and a first memory and a monitoring component having a second data processor and a second memory, into an operational state of a plurality of pre-configured operational states into which said computer platform can be activated” is disclosed in Vineyard at “figure 3, column 4, lines 48-67, column 5, lines 1-67” and that the third step, “wherein said monitoring component monitors activation of said selected state by recording data describing which of said plurality of pre-configured states is activated,” is disclosed at “column 6, lines 1-67.” Appellants are unable to find a disclosure of these limitations in the referenced text and drawing. In the amendment mailed on January 23, 2006 (page 14), the appellants invited the examiner to identify where in Vineyard these limitations were to be found. The appellants noted that 37 C.F.R. § 1.104(c)(2) provides that “[i]n rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. *The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified* [emphasis supplied].” The Examiner was “respectfully asked to ‘explain the pertinence’ of Vineyard, Jr., et al. by identifying the specific disclosure in the specification of Vineyard, Jr., et al. of ‘a monitoring component having a second data processor and a second memory’ that ‘monitors activation of said selected state by recording data describing which of said plurality of pre-configured states is activated.’”

The Examiner’s response, on page 4 of the office action mailed on October 11, 2006 (numbered paragraph 10), unfortunately was not responsive. Vineyard at least does not teach or suggest the claimed “monitoring component having a second data processor and a second memory” or the third step of claim 6 being performed by the monitoring component.

Furthermore, Vineyard, as noted, teaches providing mechanisms for specifying during a computing session an operating system to be booted up upon the next start up of the computer for a computer system with a number of alternative operating systems. Vineyard does not teach provision of “a plurality of pre-configured operational states into which said computer platform can be activated” as stated in claim 6. As noted in the summary of the claimed subject matter, a “state” is

a mode of operation of the computing entity in which a plurality of functions provided by the computing platform may be carried out. For example, in a first state, the computing entity may operate under control of a first operating system, and have access to a first set of application programs, a first set of files, and a first set of communication capabilities, for example modems, disk drives, local area network cards, e.g. Ethernet cards.

Specification at page 24, lines 23-29.

One state may have the same operating system as another state but access to different sets of application programs, for example. *Id.* at page 25, lines 4-6.

In the final office action (at page 3, numbered paragraph 8) the Examiner selectively quoted from the definition of "state" given in the specification in order to conflate "operating system" with "state." The two are not the same. Vineyard simply does not teach or suggest a choice of "selecting a state of said plurality of pre-configured *operational states* to activate for said computer platform" (emphasis added).

To anticipate a claim, the reference must teach every element of the claim and the elements in the reference must be arranged as required by the claim. M.P.E.P. § 2131. Vineyard does not teach or suggest at least the limitations quoted from claim 6. The Section 102(e) rejection of claim 6 over the Vineyard reference should be reversed and withdrawn.

Claims 8, 10, 11, 13, 23 and 24

Claims 8, 10, 11, 13, 23, and 24 each depend directly or indirectly from independent claim 6 and cannot be rejected as being anticipated by Vineyard, at least by virtue of their dependency on that independent claim.

It will be recalled that Vineyard does not teach or suggest a "monitoring component" or "states." Claims 8, 10, 11, 13, 23, and 24 use these terms as limitations and therefore, for at least that additional reason, are not taught or suggested by Vineyard.

The Section 102(e) rejection of claims 6, 8, 10, 11, 13, 23, and 24 over the Vineyard reference should be reversed and withdrawn.

II. The Rejection of Claims 1-4, 7, and 17 under 35 U.S.C. § 103(a) Should Be Reversed and Withdrawn

The Examiner rejected claims 1-4, 7, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Vineyard, and further in view of Vrhel. This rejection should be withdrawn because neither Vineyard nor Vrhel, singly or in combination, teach or suggest the claimed subject matter.

Claim 1

Claim 1 is directed to:

[a] computing entity comprising:

[1] a computer platform comprising a plurality of physical and logical resources including a first data processor and a first memory;

[2] a monitoring component comprising a second data processor and a second memory;

[3] wherein, said computer platform is capable of operating in a plurality of different states, each said state utilizing a corresponding respective set of individual ones of said physical and logical resources;

[4] wherein said monitoring component operates to determine which of said plurality of states is the current operating state of said computer platform.

The Examiner stated that limitations [1]-[3] of claim 1 are taught by Vineyard with the exception of limitation [4], which is said to be a teaching of Vrhel. The appellants respectfully disagree.

Limitation [1], a computer platform, is concededly disclosed by Vineyard. Limitations [2], "a monitoring component comprising a second data processor and a second memory," and [3], "wherein, said computer platform is capable of operating in a plurality of different states, each said state utilizing a corresponding respective set of individual ones of said physical and logical resources" are not disclosed although the Examiner wrote that they are to be found in Vineyard at column 4, lines 48-67 and column 5, lines 1-30 and at column 5, lines 30-67, respectively.

With respect to limitation [3], for example, Vineyard discusses a computer that has an interface for permitting selection of a default operating system from a list of operating systems available. Contrary to the Examiner's selective quoting (in the final office action) from the specification at page 24, lines 25-30, an operating system is not comparable to a state, as discussed above (see the definition of "state" in the specification of the application at page 24, line 23- page 25, line 6). Vineyard states nothing about each operating system "utilizing a corresponding respective set of individual ones of said physical and logical resources." The final office action does not state where in column 5, lines 30-67 of Vineyard it is to be found.

With respect to limitation [4], "wherein said monitoring component operates to determine which of said plurality of states is the current operating state of said computer platform," the 87 lines of text of Vrhel referenced in the Office Action are generally directed to a discussion of a "monitoring system" for a computer system that "detects operating system boot failures and various types of operating system hang-ups." Column 4, lines 44-45. The Examiner has located a reference with a so-called "monitoring system" for a computer system but has not identified where in the 87 lines of text the "monitoring system" determines "which of said plurality of states is the current operating state of said computer platform."

Furthermore, the "monitoring system" is not "a monitoring component comprising a second data processor and a second memory." Figure 1 of Vrhel discloses only an "OS Monitor State Machine 20" that is part of the BIOS 16 but has no separate processor.

The Examiner has not established a *prima facie* case of obviousness at least because the combination of Vineyard and Vrhel, whether or not a teaching, suggestion or motivation to combine exists, does not teach or suggest the claimed subject matter of claim 1. M.P.E.P. § 2143.03 ("To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art").

The rejection of claim 1 under 35 U.S.C. § 103(a) should be reversed and withdrawn.

Claims 2-4, 7, and 17

Claims 2-4 depend from independent claim 1, claim 7 depends from independent claim 6, and claim 17 depends from independent claim 6. The rejections of these claims under 35 U.S.C. § 103(a) are all based on Vineyard in view of Vrhel.

Claims 2-4 are allowable as dependent claims at least in view of the allowability of claim 1 over these references and without considering the additional limitations added to the limitations of claim 1 by these claims. Furthermore, the rejection of these claims also was accomplished by quoting the limitation added by the claim, and then citing to large blocks of text¹ in Vineyard or Vrhel as teaching that limitation, but without identifying the specific step or component that corresponds to the limitation. Despite the appellants' invitation, the Examiner has not been more specific in the final office action.

Claims 7 and 17 are allowable at least because Vineyard was not shown to anticipate claim 6 and Vrhel is cited only for teaching the limitations added by claims 7 and 17. The combination of Vineyard and Vrhel does not make these claims unpatentable.

Furthermore, each of these claims also was addressed by quoting the limitation added by the claim, and then citing to large blocks of text² in Vrhel as teaching that limitation, but without identifying the specific step or component that corresponds to the limitation. Despite the appellants' invitation, the Examiner has not been more specific in the final office action.

The Section 103(a) rejection of claims 1-4, 7, and 17 over Vineyard in view of Vrhel should be reversed and withdrawn.

III. The Rejection of Claim 5 under 35 U.S.C. § 103(a) Should Be Reversed and Withdrawn

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Vineyard, Jr. and Vrhel and further in view of Hannah.

Claim 5 depends from claim 1 and is allowable at least because that claim is allowable over Vineyard, Jr. and Vrhel. Hannah is cited only for the limitation added by claim 5.

¹ Claim 2: Vineyard, Jr., et al., 49 lines; claim 3: Vrhel, et al., 87 lines, claim 4; Vineyard, Jr., et al., 49 lines.

² Claim 7: 87 lines, claim 17: 87 lines.

The Section 103(a) rejection of claim 5 over Vineyard and Vrhel and further in view of Hannah should be reversed and withdrawn.

IV. The Rejection of Claim 9 under 35 U.S.C. § 103(a) Should Be Reversed and Withdrawn

The Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Vineyard

Claim 9 depends from claim 6 and is allowable at least because that claim is allowable over Vineyard.

The Section 103(a) rejection of claim 9 over Vineyard should be reversed and withdrawn.

V. The Rejection of Claim 12 under 35 U.S.C. § 103(a) Should Be Reversed and Withdrawn

The Examiner rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Vineyard and Vrhel and further in view of Herzi.

Claim 12 depends from claim 7 and thus from claim 6. It is allowable at least because that claim is allowable over Vineyard and Vrhel. Herzi is cited only for the limitation added by claim 12.

The Section 103(a) rejection of claim 12 over Vineyard and Vrhel and further in view of Herzi should be reversed and withdrawn.

VI. The Rejection of Claims 14 and 15 under 35 U.S.C. § 103(a) Should Be Reversed and Withdrawn

The Examiner rejected claim 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Vineyard and further in view of Hannah.

Claims 14 and 15 each depend from claim 6. Each is allowable at least because that independent claim is allowable over Vineyard. Hannah is cited only for the limitations added by claims 14 and 15.

The Section 103(a) rejection of claims 14 and 15 over Vineyard in view of Hannah should be reversed and withdrawn.

VII. The Rejection of Claim 16 under 35 U.S.C. § 103(a) Should Be Reversed and Withdrawn

The Examiner rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Vineyard, and further in view of Galasso and Hannah.

Claim 16 depends from claim 6. It is allowable at least because that claim is allowable over Vineyard. Galasso and Hannah are cited only for the limitation added by claim 16.

The Section 103(a) rejection of claim 16 over Vineyard and further in view of Galasso and Hannah should be reversed and withdrawn.

VIII. The Rejection of Claims 25 and 26 under 35 U.S.C. § 103(a) Should Be Reversed and Withdrawn

The Examiner rejected claims 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over McKeeth. This rejection should be withdrawn because McKeeth does not teach or suggest the claimed subject matter.

To begin with, the appellants have some difficulty addressing this rejection. Although stated to be an unpatentability rejection over McKeeth, the Examiner writes that McKeeth teaches all of the limitations of claim 1, which therefore would make this a rejection for anticipation. Furthermore, claim 26 is mentioned only in the first line of the rejection (“[c]laims 25 and 26 are rejected under 35 U.S.C. 103(a) . . .”) and no other explanation of the rejection of claim 26 is provided in any part of the final office action.

Bearing the above in mind, claim 25 is the third independent claim under appeal and is directed to:

[a] method of storing data at a computing entity comprising a computer platform having a first data processor and a first memory and a monitoring component having a second data processor and a second memory, said method comprising the steps of:

- initiating a session on the computing platform;
- the monitoring component recording state data describing a current operational state of the computing platform;
- generating data in the session; and
- storing the generated data with reference to the state data so that the generated data may be recovered in a future session of the computing

platform in the same operational state.

McKeeth, as noted in its abstract, purports to teach a "computer implemented method of monitoring and integrating changes made to a computer system having a plurality of operating systems installed thereon" so that changes made in user preferences with respect to one operating system will be made in the second operating system whenever that system is booted. McKeeth does not teach or suggest "a computing entity comprising a computer platform having a first data processor and a first memory and a monitoring component having a second data processor and a second memory." The Examiner found a teaching of this limitation at column 3, lines 30-67 and column 4, lines 1-30, which generally discuss Figures 1 and 2 of McKeeth. However, no "monitoring component having a second data processor and a second memory" is to be found in the cited portions of McKeeth. Figure 2 of McKeeth is reproduced below:

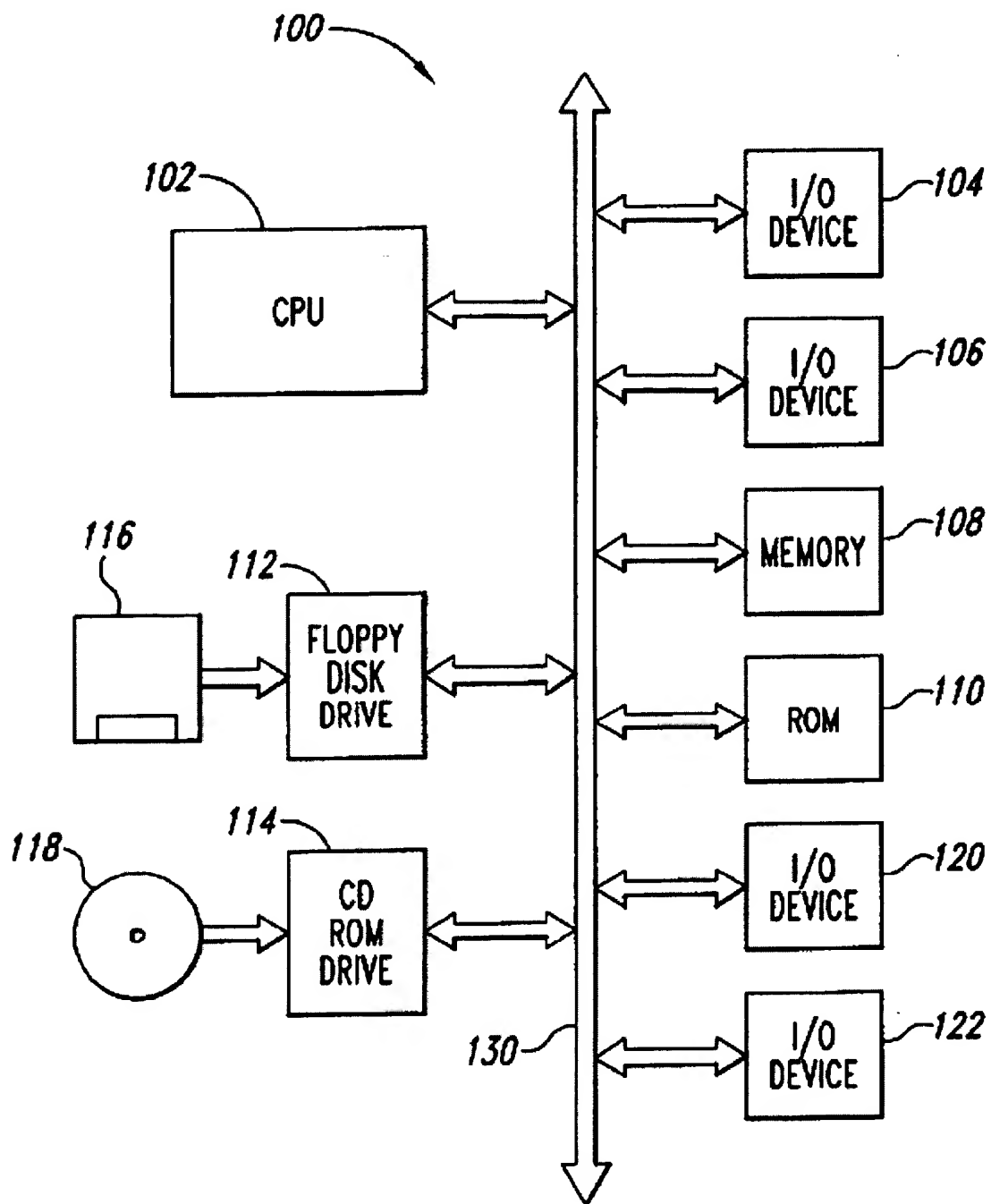


Fig. 2

Only one processor, CPU 102, is disclosed.

The step of "the monitoring component recording state data describing a current operational state of the computing platform" is not taught or suggested at least because no monitoring component is taught or suggested.

Claim 26 depends on claim 25 and is allowable at least for that reason.

The Section 103(a) (possibly 102(e)?) rejection of claims 25 and 26 over McKeeth should be reversed and withdrawn.

IX. The Rejection of Claim 25 under 35 U.S.C. § 103(a) Should Be Reversed and Withdrawn

The Examiner rejected claims 25 under 35 U.S.C. § 103(a) as being unpatentable over McKeeth in view of Hannah.

It is believed that this rejection was actually directed to claim 26, because the Examiner mentions that "McKeeth does not expressly teach using encryption to store the data" and cites Hannah for this teaching. Encryption is mentioned in claim 26 and not in claim 25.

Claim 26 depends from claim 25. It is allowable at least because that independent claim is allowable over McKeeth. Hannah is cited only for the limitations added by claim 26.

The Section 103(a) rejection of claim 26 over McKeeth in view of Hannah should be reversed and withdrawn.

CONCLUSION


For the reasons given above, the Appellants respectfully contend that claims 1-17 and 23-26 are patentable over the references of record. The Appellants respectfully submit that the Board should reverse and withdraw all rejections of the claims pending in the instant application.

* * *

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this Appeal Brief is not timely filed or the petition for extension of time accompanying this brief is incorrect in stating or paying for the amount of time requested, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this Appeal Brief timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 21, 2007.

Mary Simonette Ngo
(Name of Person Transmitting)


(Signature)

March 21, 2007
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Respectfully submitted,



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1. A computing entity comprising:
 - a computer platform comprising a plurality of physical and logical resources including a first data processor and a first memory;
 - a monitoring component comprising a second data processor and a second memory;
 - wherein, said computer platform is capable of operating in a plurality of different states, each said state utilising a corresponding respective set of individual ones of said physical and logical resources;
 - wherein said monitoring component operates to determine which of said plurality of states is the current operating state of said computer platform.
2. The computing entity as claimed in claim 1, wherein said first memory means contains a set of instructions for configuration of said plurality of physical and logical resources of said computer platform into a pre-determined state.
3. The computing entity as claimed in claim 1, in which exit of said computer platform from each said operating state is monitored by said monitoring component.
4. The computing entity as claimed in claim 1, wherein said monitoring component includes a BIOS file.
5. The computing entity as claimed in claim 1, wherein said computer platform comprises an internal firmware component configured to compute a digest data of a BIOS file data stored in a predetermined memory space occupied by a BIOS file of said computer platform.
6. A method of activating a computing entity comprising a computer platform having a first data processor and a first memory and a monitoring component having a second data processor and a second memory, into an operational state of a plurality of pre-configured operational states into which said computer platform can be activated, said method comprising the steps of:
 - selecting a state of said plurality of pre-configured operational states to activate for said computer platform;

activating said selected state for said computer platform according to a set of stored instructions;

wherein said monitoring component monitors activation of said selected state by recording data describing which of said plurality of pre-configured states is activated.

7. The method as claimed in claim 6, wherein said monitoring component continues to monitor said selected state after said state has been activated.

8. The method as claimed in claim 6, wherein said monitoring component generates a state signal in response to a signal input directly to said monitoring component by a user of said computing entity, said state signal indicating which said state said computer platform has entered.

9. The method as claimed in claim 6, wherein said set of stored instructions are stored in a BIOS file resident within said monitoring component.

10. The method as claimed in claim 6, comprising the step of generating a menu for selection of a said pre-configured state from said plurality of pre-configured states.

11. The method as claimed in claim 8, comprising the step of generating a user menu displayed on a user interface for selection of a said pre-configured state from said plurality of pre-configured states, and said step of generating a state signal comprises generating a state signal in response to a user input accepted through said user interface.

12. The method as claimed in claim 7, in which said step of selecting a state of said plurality of pre-configured operational states comprises receiving a selection signal from a smartcard device, said selection signal instructing a BIOS of said computer platform to activate the said computer platform into a said selected state.

13. The method as claimed in claim 6, wherein said step of selecting a state of said plurality of pre-configured operational states comprises receiving a selection message from a network connection, said selection message instructing a BIOS file of said

computer platform to activate said computer platform into a selected state.

14. The method as claimed in claim 6, wherein said step of monitoring a selected state comprises:

immediately before activating said computer platform, creating by means of a firmware component a digest data of a first pre-allocated memory space occupied by a BIOS file of said computer platform;

writing said digest data to a second pre-allocated memory space to which only said firmware component has write access; and

said monitoring component reading said digest data from said second pre-allocated memory space.

15. The method as claimed in claim 6, wherein said step of monitoring said state into which said computer platform is activated comprises:

executing a firmware component to compute a digest data of a BIOS file of said computer platform;

writing said digest data to a predetermined location in said second memory of said monitoring component.

16. The method as claimed in claim 6, wherein said step of activating selected state comprises:

at a memory location of said first memory, said location occupied by a BIOS file of said computer platform, storing an address of said monitoring component which transfers control of said first processor to said monitoring component;

storing in said monitoring component a set of native instructions which are accessible immediately after reset of said first processor, wherein said native instructions instruct said first processor to calculate a digest of said BIOS file and store said digest data in said second memory of said monitoring component; and

said monitoring component passing control of said activation process to said BIOS file, once said digest data is stored in said second memory.

17. The method as claimed in claim 6, wherein said step of monitoring said activated state comprises:

after said step of activating said selected state, monitoring a plurality of logical and physical components to obtain a first set of metric data signals from those components, said metric data signals describing a status and condition of said components;

comparing said first set of metric data signals determined from said plurality of physical and logical components of said computer platform with a set of pre-recorded metric data stored in a memory area reserved for access only by said monitoring component; and

comparing said first set of metric data signals obtained directly from said plurality of physical and logical components with said set of pre-stored metric data signals stored in said reserved memory area.

23. The method as claimed in claim 6, further comprising the step of importing from a storage medium data generated when the computer platform was previously in the same selected state.

24. The method as claimed in claim 23, wherein the monitoring component monitors the data imported from the storage medium before it is loaded.

25. A method of storing data at a computing entity comprising a computer platform having a first data processor and a first memory and a monitoring component having a second data processor and a second memory, said method comprising the steps of:

initiating a session on the computing platform;

the monitoring component recording state data describing a current operational state of the computing platform;

generating data in the session; and

storing the generated data with reference to the state data so that the generated data may be recovered in a future session of the computing platform in the same operational state.

26. The method as claimed in claim 25, wherein the generated data is encrypted to ensure recovery only in a future session of the computing platform in the same operational state.

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NONE.